

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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689 EATERY CORP., etc., *et ano.*, :
Plaintiffs, :

- against -

Civil Action No.
02 CV 4431 (LJL)

THE CITY OF NEW YORK, et al., :
Defendants.. :

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59 MURRAY ENTERPRISES INC., etc., *et al.*, :
Plaintiffs, :

- against -

Civil Action No.
02 CV 4432 (LJL)

THE CITY OF NEW YORK, et al., :
Defendants. :

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CLUB AT 60TH STREET, INC., etc., *et al.*, :
Plaintiffs, :

- against -

Civil Action No.
02 CV 8333 (LJL)

THE CITY OF NEW YORK, :
Defendant. :

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336 LLC., etc., *et al.*, :
Plaintiffs, :

- against -

Civil Action No.
18 CV 3732 (LJL)

THE CITY OF NEW YORK, *et al.*, :
Defendants. :

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SECOND OMNIBUS STIPULATION AND ORDER

WHEREAS, by Order dated May 2, 2023 the Court, *inter alia*, granted the parties leave to renew, by re-filing, Plaintiffs’ motions for partial summary judgment, Defendants’ motions for summary judgment, and Plaintiffs’ cross-motions for summary judgment (the “Renewed Motions”); and

WHEREAS, the Court subsequently modified and clarified the May 2, 2023 Order by its Order dated May 8, 2023, and by the Stipulation and Order dated May 15, 2023 (collectively, the “Orders”); and

WHEREAS, counsel for the parties have conferred with one another and recognize the necessity of further supplementing and clarifying the Orders as hereinbelow provided, so that the parties may timely comply with them;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The notices of motion and cross-motion to be re-filed on May 26, 2023 may be modified from the earlier versions, but only to the extent of: (a) adding the word “Renewed” to their titles; (b) identifying any additional declarations being offered in support of the motions; and (c) modifying or deleting information relating to the time that opposition and reply papers are due to be filed.

2. To the extent the re-filed briefs due on May 26, 2023, make reference to previously filed documents which themselves are being refiled, any references to the original filing dates or document numbers or page numbers of those other such refiled documents shall remain unchanged but shall be understood as a reference to the date or

document number or page of their refiled versions. Even though the earlier briefs are replaced by the re-filed briefs verbatim, the parties cannot know what the new ECF references will be until the re-filed briefs are e-filed. Accordingly, the “Renewed” briefs due on Friday, May 26, 2023, will retain the prior references even though superseded by the new ones being filed Friday.*

3. The briefs due June 9, 2023, and July 9, 2023, may make reference to evidentiary filings that are already in the record and those evidentiary filings need not be re-filed.

4. Facsimile/electronic signatures of this Stipulation shall be deemed original for all purposes.

Dated: May 25, 2023

Respectfully submitted,

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* By way of example and not limitation, Plaintiffs’ Renewed briefs would say “In Defendants’ Memorandum in Support of Motion for Summary Judgment filed on September 16, 2022, the City says” This type of language will remain intact.

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by /s/ G. Randall Garrou
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IT IS SO ORDERED



LEWIS J. LIMAN
United States District Judge

Dated May 25, 2023